moment, we are taking the help of public sector electronic companies to assess the value.

SHRI JAYANT KUMAR MALHOUTRA: Madam, a major chunk of this Rs. 12,700 crores which is due on excise account is because of non-payment by the cigarette companies. Because of the long time taken to collect the money, two of these companies have gone to the BIFR. The question is: how are you going to recover these large amounts from these two companies which are now under the BIFR?

SHRI SATPAL MAHARAJ: Respected Madam, cases relating to cigarette companies are the ones where the maximum revenue is involved. The amount locked up in these cases, pending with the Commissioner, Delhi, between 1983 and 1997, is of the order of Rs. 718.98 crores. The information sought for by the Member would be given to him.

SHRI JAYANT KUMAR MALHOUTRA: Madam, my question was different. There are two companies, major tobacco companies, which are now under the BIFR. They are sick. They have gone sick. The amount is due for the last ten or fifteen years. Large amounts are held by these companies. They haven't paid. How are you going to recover these amounts? These amounts are due from 1980 onwards. They have gone to the BIFR; may be, it is intentional. The question is: how are you going to recover?

SHRI SATPAL MAHARAJ: Madam, I do not have the information. I will supply the information to the hon. Member.

SHRI SOM PAL: Informatiion has been given by the hon. Member. You have to react.

SHRI SUNDER SINGH BHANDARI: Two companies have been specifically mentioned.

THE DEPUTY CHAIRMAN: Mr. Minister, I think it is better that you send the answers, if you do not have the information now. When you send the answers, please send a copy to me also. But please give a tme-frame to the House. It cannot be like the cases going on and on before the tribunals or the courts. We are working in a certain time-frame. The House would be adjourning on 14th August. Therefore, you please send your answers before that date so that Members would know; otherwise, by the time the next Session comes, they would forget what they had asked.

SHRI SATPAL MAHARAJ: Madam, two companies, GTC and NTC, have gone to the BIFR. We have to follow the procedure set by the BIFR. (*Interruptions*)

SHRI NILOTPAL BASU: Madam, I think the answers could be sent by post. Many of the questions remain unanswered.

THE DEPUTY CHAIRMAN: We cannot do that. Mr. Minister, I would like you to send the answers, specific answers, to the Chair, to the Secretariat, as well as to the Members. The idea is to get answers to the questions. That is all. Nothing else. What else can Members do?

Adverse Ruling of DSP, WTO Against India

*84. SHRI K.R. MALKANI: Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that the Disputes Settlement Panel of World Trade Organisation has ruled against India on the subject of Patent Law as published in The Hindustan Times, dated the 4th July, 1997;

(b) whether it is a fact that India did not block the U.S. request for establishment of a DSP even though it had an opportunity to do so; and

(c) how Government propose to meet this situation without effecting the necessary amendment in our Patent Law?

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI BOLLA BULI RAMAIAH): (a) Under the dispute settlement provisions of the World Trade Organisation (WTO), a Panel is currently considering a complaint by the United States of America to the effect that India has not fulfilled its obligations under Article 70.8 and 70.9 of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement) which envisage that a WTO Member who does not provide patents protection for pharmaceutical and agricultural chemical products, as on the date of entry into

force of the WTO Agreement on 1 January 1995, shall provide a means by which applications for product patents in those fields of technology can be filed and provide exclusive marketing rights subject to fulfilment of certain conditions. The matter is before the Panel and the final report of the Panel is awaited.

(b) Under the dispute settlement provisions, establishment of a Panel cannot be blocked unless all WTO Members including the complainant agree not to establish the Panel.

(c) The Government will take appropriate decisions after the adoption of the final report of the Panel or of the Appellate Body and studying in detail the recommendations or rulings of the Dispute Settlement Body.

SHRI K.R. MALKANI: Madam, on 2nd July, the USA complained to the Disputes Settlement Panel of the World Trade Organisation that India was not providing patent protection for pharmaceutical and agricultural chemical products. Within twenty-four hours, the Disputes Settlement Panel gave its interim order against India. The reply says that the Matter is before the Panel and that the final report of the Panel is awaited. If the Disputes Settlement panel was in such a hurry to give its order against India within twenty-four hours, why does the Government entertain the hope that the final verdict would be any different?

Coming to my question, the complaint is that we are not giving patent protection. We have, in this country, the Patents Law of 1970. We have got patent offices at Bombay, Calcutta and Madras. As a Member of the select Committee of the Patents (Amendment) Bill, I had visited these offices. Now, how is it, and why is it, that the Prime Minister has issued instructions that a new, all encompassing patents office should be set up?

There was resistance to the Patents (Amendment) Bill, because the Government had not consulted the States, although agriculture is basically a State subject. They had not consulted the Defence research laboratories and other scientific laboratories. That is why there was resistance.

Now, the question is when there is no Patents (Amendment) Bill before this House or the other House, why has the Prime Minister been in an undue hurry to order the setting up of a new all-enveloping Patents Office? That is the first part of my question.

SHRI BOLLA BULI RAMAIAH: Madam, only after the final verdict of the W.T.O. Dispute Settlement Panel comes we will be able to take an expert opinion and take an appropriate action.

Madam, the hon. Member has referred to the Prime Minister's instructions. It is not part of the question.

Thirdly, the Patents Bill is the concern of the Industry Ministry. That is why I have given only part of the answer. That is why I can say.

SHRI K.R. MALKANI: Madam, the whole issue revolves round the Patents law. When the hon. Minister comes to the House, he should be fully prepared. He should know what his other concerned Ministers are doing. Otherwise it becomes an affront to the House. The Prime Minister asking for the setting up of a new all-encompassing Patents Office, when there is no Bill on Patents before this House or the other House is an affront to the House. There should be joint responsibility in the Cabinet.

SHRI BOLLA BULI RAMAIAH: Madam, as I have mentioned clearly, it is the Industries Minister, who is concerned with the Patents law. I do not know how...

THE DEPUTY CHAIRMAN: I am sorry. He is asking you a specific question. There was a Patents Bill pending in both the Houses and there was a Joint Parliamentary Committee appointed on that Bill. Since the Bill has not yet been approved, it has not become an Act. So, in the absence of an Act, whether it is the Industry Ministry or your Ministry or any other Ministry, it is the Government which is responsible. he is putting to you a specific question that in the absence of that Act, what is the Government's attitude towards whatever question he has asked. So, please reply on that. He is not asking you as to what is happening in the Industry Ministry.

SHRI BOLLA BULI RAMAIAH: Madam, I will have to consult the Prime Minister and

the Minister for Industries. Then I will come before the House.

SHRI K.R. MALKANI: I hope he consults them and comes before the House.

Part (b) of my question is this. The U.S. — it is public knowledge — has been twisting our arms on issue after issue. Recently they issued instructions not to supply any equipment to the Bharat Electronics and several other Indian companies. On earlier occasions, they invoked their Super 301 and Special 301 against us. My question is why the Government of India never complained to the W.T.O. on these. Imposition of Super 301 is a case of aggresive unilateralism. It is a violation of the W.T.O. rules in letter and in spirit. Why is the Government keeping silent on this?

SHRI BOLLA BULI RAMIAH: Madam, as I mentioned earlier, the Patents Bill would have been approved within one year from 1.1.1995. Till now it has not been approved in both the Houses of Parliament. Unless we go into the Patents Bill and approve it, probably we should not be able to take up the issue with the W.T.O.

SHRI K.R.MALKANI: I am afraid the hon. Minister has not understood the question. The W.T.O. has been there for about two years. A certain country has been twisting our arms on issue after issue. But it goes and complains against us. There is a saying in Hindi: "उल्टा चोर कोतवाल का डंडा"

This is what is happening.

उपसभापति : "उल्टा चोर कोतवाल को डांटे"

is the correct word.

SHRI K.R. MALKANI: Thank you very much.

ऐसा भी चलता है।

Any of the two.

Why is the Government so passive, so negative, so impotent? What is the problem with the Government? This is my question.

SHRI BOLLA BULI RAMAIAH: This matter will be definitely taken care of after proper consideration.

THE DEPUTY CHAIRMAN: I am sorry to say that when questions are listed against the concerned Minister, he should come prepared. The hon. Member had put two supplementaries; and you have not come prepared to answer them. In that case we should delist the question and go to the next question because no answer is coming forth from you. The hon. Member had put the first and second supplementaries, but you could not provide any information.

SHRI BOLLA BULI RAMAIAH: Madam, what the hon. Member had asked for was about the Patents Bill. We have to take final action because the dispute is about the final action report. If that report comes, then, we will be able to take proper legal support and then we can come back and say what we have to do. The hon. Member talked about the patents Law. Everything comes under the Ministry of Industry. The Minister of Industry will be able to give all the replies.

THE DEPUTY CHAIRMAN: No when it is listed against your Ministry, you have to answer. This is my direction.

SHRI BOLLA BULI RAMAIAH: Okay, Madam.

THE DEPUTY CHAIRMAN: It is a joint responsibility. You cannot say which Ministry should reply, Then, tomorrow you will say the Finance Minister will reply. Then, does it mean that all the Ministers should be here? This is not the way to evade the question. You are a competent Minister. I know that you can answer. Please answer.

DR. MANMOHAN SINGH: Madam Deputy Chairman, with regard to the Patents Office, I know for certain that the Indian Patents Office is rather a primitive organisation. If the Prime Minister has instructed that the Indian Patents Office should be modernised, I congratulate the Government for doing this. We operate in a world where patents are going to be the most important determinant of trade and industrial flow. India needs a top class, patents organisation and we do not have one today. If that is what the Government has done, I think, they deserve congratulations.

Madam, the second thing I would like to say is it is true that today India is in default of

obligations under the Uruguay Round Accord. I would request the hon. Minister and the Prime Minister not to waste any more time to convene an all-party meeting of all political parties to evolve a national consensus so that we do not remain in sin all the time. This thing is not doing good to India's prestige abroad. People are using it as a pretext to say that India wants to operate an old-fashioned regime and that India is not committed to reforms. So, I would urge upon the Minister and through him the hon. Prime Minister to convene an all-party meeting of all political parties to resolve all outstanding differences so that this Parliament in its wisdom can pass the Patents Bill which is consistent with our obligations and consistent with our national interests.

THE DEPUTY CHAIRMAN: It is a good suggestion.

SHRI BOLLA BULI RAMAIAH: Madam, it is a very good suggestion. I very much appreciate the suggestion of the hon. Member. We will take it into consideration.

THE DEPUTY CHAIRMAN: In the last question I said that things have changed and you must upgrade the system. If you upgrade the technology, you should also upgrade the system. Accordingly you can bring back the Bill to us.

DR. GOPALRAO VITHALRAO PATEL: Madam Deputy Chairperson, we are not alert at a time when we should be more alert. At the time of formation of the GATT, at the time of formation of the WTO also we did not bother much about our national interests and the result is that many countries are going against India to the Dispute Settlement Panel of the WTO. I believe now there is one monster coming, that is, MAI. Its full form is Multilateral Agreement on Investments. At least here I want to alert the Minister and national economists on this problem so that every new economic order which is coming into the country is bringing new economic imperialism. That is my personal opinion. With this our national laws are under threat. Our writ will not run in our own country. Our sovereignty will be abridged. Therefore, I believe that the EEC,USA and Japan have gone against India to the Dispute Settlement Panel. It is an authority of the WTO. I would like to know form the Minister in how many cases India has gone to the Dispute Settlement Panel of the WTO to safeguard our own interests. As has been rightly pointed out, we are losing our national patents of the agricultural, pharmaceutical and many other inventions. When are we going to amend the patent laws so that our national interests are safeguarded? This is my question.

THE DEPUTY CHAIRMAN: It is a suggestion.

SHRI BOLLA BULI RAMAIAH: Madam, the suggestion is very well taken. Hon Member, Shri Manmohan Singh, has also made the same suggestion. I will definitely take up this issue and I will bring it before both the Houses at the elarliest possible opportunity so that we will be able to protect our country's interest.

SHRI TRILOKI NATH CHATURVEDI: What is the use of the political parties being called at this stage? When you signed the WTO agreement....

उपसभापति: आपका नाम मेरे पास है। मैं आपको बुला लूंगी। मैं वायालार रवि जी के बाद आपको बुला लूंगी।

DR. GOPALRAO VITHALRAO PATIL: In how many cases India has gone to the WTO? (*Interruptions*)

THE DEPUTY CHAIRMAN: In how many cases, have we gone there for dispute settlement?

SHRI BOLLA BULI RAMAIAH: I do not have the list now. I will furnish it to him.

SHRI VAYALAR RAVI: Madam, after the establishement of the World Trade Organization, a series of discussions have started. This is the shaping stage of the establishement itself. So, a lot of steps have to be taken to protect the interests of India because the latest position it that New Zealand, Australia, the NAFTA and the European Union have filed complaints against India as they think that India has another precious market. In this context, I want to know what steps you have taken to protect our interests as well as to make an offensive position against the developed nations who also make trade barriers. It needs

a very serious and a very high level discussion at every stage. The representation by Delhi should also be good. There should not be any dumping of officers in posts. I want to know from the hon. Minister what steps he is going to take to protect our interests. The Geneva talks, of course, have collapsed. But, at the same time, you should take an offensive position against the developed nations which are trying to exploit the developing nations.

SHRI BOLLA BULI RAMAIAH: Madam, what the hon. Member is asking is not with reference to patents but with reference to the balance of payments disputes which we are having with the United States in Geneva. We are trying to safeguard the interests of our country. We are making our points very clear to them. They have also not agreed yet. Finally, we are going to have negotiations and I am sure we will be able to convince them and we will be able to succeed. You have mentioned certain countries. We have already started a dialogue with them and they have started understanding our points. I am sure we will be able to convince them.

DR. BIPLAB DISGUPTA: Madam, it is very good that Mr. Manmohan Singh has suggested a discussion on the patents issue with all the leaders. I agree with him and I hope his proposal will be accepted. But let me point out that when the WTO Ageement was signed, the matter was never agreed upon either in Parliament or elsewhere. Moreover, an Ordinance was issued to fulfil the entry condition. That Ordiance could not be carried in this House. It lapsed because of the opposition in the House. It could not carry the confidence of the House because the House took exception to the fact that the WTO Agreement was signed without its concurrence and without filfilling the entry conditions through a Bill in the House. That was not done. If a discussion takes place, I will definitely appreciate. But the question I am putting is something different. The United States is seeking to have it bothways. Earlier they had the Super-301 for unilateral action against countries by putting them on the hit-list. When the WTO was formed, the idea was that, perhaps, it would become mulilateral. The United States seem to be using both.

THE DEPUTY CHAIRMAN: Put your question, please.

DR. BIPLAB DASGUPTA: I want to know whether the Government has taken up this with the United States and with the WTO, that they cannot have the cake and eat it too, they have to choose either the multilateral forum or the unilateral forum, they cannot try both.

SHRI BOLLA BULI RAMAIAH: Madam what the hon. Member has suggested is why the United States of America is interfering so much in all these disputes when there is a scope for multilateral settlement. He also wants to know as to what India is able to take to the WTO and what we are taking to the WTO. I know what exactly he wants to say because they are applying the anti-dumping law against some of our products. For instance, film products. The same thing happened in the case of the European Union. But we have gone in for settlement to the WTO in which they said that this allegation was not correct. They are always dealing with those things. So, we are definitely using the clauses in the W.T.O. In the case of the European Union also where they have got a number of clauses put in the WTO, they have also informed us that the allegation levelled against them was not correct. Well, this was the thing that was happening and we are definitely using the WTO as a means of settlement, wherever possible, and we are gettting a substantial response.

SHRI TRILOKI NATH CHATURVEDI: Madam, I have a comment to make that the suggestion of Dr. Manmohan Singh is well taken. But I wish he himself had initiated this process much earlier—both as regards GATT and economic reforms. That is why I would like to put a few questions to the hon. Minister. Does he think that this will help him in sharing the responsibility or passing on the responsibility to others and save him from taking unpleasant decisions and decisions unpleasant to the country?

Secondly, has any study group been formed under your Ministry to look into some of the important aspects of the economy? How will those sectors be affected by the coming into existence of the WTO and its obligations? What kind of existing laws will have to be modified

by Parliament so that we can take care that the Parliamentary sovereignty or the sovereignty of the country is not jeopardised?

SHRI BOLLA BULI RAMAIAH: Madam, what the hon. Member has suggested and what Dr. Manmohan Singh Ji has suggested, we all agree with that. The consensus among all the parties is very important. That is a very valuable suggestion and it is going to help us.

SHRI TRILOKI NATH CHATURVEDI: You are referring to consensus after having put the country in trouble.

SHRI BOLLA BULI RAMAIAH: No, no. We have to take into consideration all the aspects of this problem. We have to take into consideration whatever is suggested by various Ministeries also. We are consulting every Ministry which is concerned with this, whether it is the Agriculture Ministry or the Textiles Ministry or the Electronics Ministry or the Ministry of Finance. Without consulting them, we will not go back on any of the issues. It is only after taking them into confidence, after taking their advice, we are taking our points to the WTO and putting forth our point of view. We are taking due precaution to safeguard all this.

SHRI TRILOKI NATH CAHTURVEDI: Madam, is it only a consultation amongst various Ministries, which in any case, will happen? I would like to know whether a study group was set up to anticipate the problems and whether the report of the study group is available to the hon. Members or on the basis of which a Working Paper can be brought before this Parliament.

SHRI BOLLA BULI RAMAIAH: No, Madam. The Patents Bill has not yet been introduced. Once the Patents Bill is prepared, we will also put a working group on that job. We will go to various parties and consult them.

श्री राम बख्श सिंह वर्मा: मैडम, मैं माननीय मंत्री जी से इस प्रश्न के उत्तर प्रदेश के संबंध में यह जानना चाहता हूं कि जैसे समाचार-पत्रों में प्रकाशित हुआ है, क्या माननीय मंत्री जी इस पर प्रकाश डालेंगे कि क्या यह सच है कि वर्ल्ड बैंक और आई॰एम॰एफ॰ के दबाव में भारत सरकार ने पेटेंट रूल्स के सरलीकरण और संशोधन के लिए एक कमेटी का गठन किया है और इस कमेटी के अपनी रेकमन्डेशंस दी है कि अब पेटेंट करने के लिए 70 फार्म की जगह 28 फार्म की ही आवश्यकता होगी? साथ ही यह नियम चाहे देश का कोई इंडिविजुअल हो या देश की कोई कंपनी हो या विदेशी कंपनी हो, उन पर समानरूप से लागू होगा। माननीय मंत्री जी बतायेंगे कि क्या ऐसा हुआ है?

उपसभापति: चिट्ठी लिखकर पूछ लीजिएगा।

Question Hour is over.

WRITIEN ANSWERS TO STARRED QUESTIONS

Non Implementation of standing Instructions of MPs by SBI

*81. DR. MAHESH CHANDRA SHARMA:
SHRI O. RAJAGOPAL:

Will the Minister of FINANCE be pleased to state:

(a) whether several MPs have issued standing instructions to State Bank of India, Parliament House Branch that a fixed amount be transferred to saving bank account on 7th of each month so that SB interest could be earned thereon;

(b) whether the Bank has failed to transfer the amount in time and consequently the party has been losing due interest;

(c) whether on 24th September, 1996 and thereafter attention or CGM and AGM (Institution) of the Bank was drawn through several letters to the lapse but the malpractice has not stopped uptill now; and

(d) if so, the preventive action taken to avoid its recurrence in future?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATPAL MAHARAJ): (a) to (d) According to State Bank of India (SBI), some MPs have issued standing instructions to the Parliament House sub-office of SBI that a fixed amount should be transferred from their accounts to a saving bank account on the 7th of each month. Interest on Saving Bank (SB) Account is calculated on the minimum balance in the account between 10th and the last day of the month. SBI have further reported that even though the amounts were transferred every month there were delays of a